

b. The administrative review must be open to the participation of the parent(s) and the child if the child is of appropriate age. It may include foster parents. (7-1-93)

602. DIVISION OF FAMILY AND COMMUNITY SERVICES -- FAMILY SELF-SUPPORT (FSS) PROGRAM ADMINISTRATIVE HEARINGS. Following conciliation, an individual who continues to be aggrieved by the Department's determination of his appropriate participation in the Family Self Support (FSS) program as outlined in Idaho Department of Health and Welfare IDAPA 16, Title 6, Chapter 9, "Rules Governing the Family Self-Support Program," may request a hearing using the Department's established fair hearing procedure found in Sections 300, et seq. (7-1-93)

01. Fair Hearings - Mandatory JOBS and JSAP Participants. Mandatory individuals may request a hearing in response to the Notice of Adverse Action received from eligibility staff who will be responsible for assisting such individuals with the hearing procedures outlined herein. (7-1-93)

02. Fair Hearings - Exempt JOBS Participants and Nonsanction Participation Disputes and Complaints. These conciliation decisions require no benefit sanctions and therefore are not referred to financial and medical assistance. Participants do have the right to have these decisions considered by a Hearing Officer. (7-1-93)

a. FSS staff are responsible for assisting participants with completing and filing the fair hearing request forms in the following situations; (7-1-93)

i. For an exempt participant who has been determined to be in non-compliance with his JOBS employment plan; and (7-1-93)

ii. For any participant who wishes to further contest negative conciliation decisions regarding nonsanction complaints and disputes. (7-1-93)

b. The participant's request for hearing may be made in response to: (7-1-93)

i. The NONC/NOAA sent by FSS staff following an unsuccessful conciliation for noncompliance with the provisions of the employment plan; or (7-1-93)

ii. The written notification of outcome following conciliation for nonsanction complaints and disputes. (7-1-93)

c. JOBS participants have thirty (30) days to request a hearing. JSAP participants have ninety (90) days. (7-1-93)

d. The participant may be accompanied by a representative during the fair hearing process. (7-1-93)

e. Unless the hearing is requested to address a noncompliance issue, the client will be expected to continue her FSS assignment pending the hearing. (7-1-93)

603. -- 606. (RESERVED).

607. DIVISION OF FAMILY AND COMMUNITY SERVICES ADMINISTRATIVE HEARINGS -- CHILD CARE STANDARDS. Pursuant to Section 39-1218, Idaho Code, and IDAPA 16, Title 6, Chapter 2, Rules and Standards For Child Care Licensing, within fifteen (15) days of receipt of a notice from the Department or Board of the intent to deny, suspend, revoke, or fail to renew a license, the applicant or licensee can file a Petition for an administrative hearing. Hearings and appeals shall be conducted according to the provisions of Sections 101, et seq. (7-1-93)

01. Form of Petition. The Petition, which must be signed and dated, must: (7-1-93)

a. Be directed to the Department or Board, as appropriate, through the Hearing Coordinator; and (7-1-93)

b. Give the Petitioner's name and address; and (7-1-93)

c. Specify the date the notice of grounds was received and from whom; and (7-1-93)

d. Identify the nature of the intended action by the Department or Board; and (7-1-93)

e. State that the Petitioner requests an opportunity to be heard by the Department; and (7-1-93)

f. State the facts or actions in dispute and information supporting the Petition, specifically including any contact or conferences with Department staff; and (7-1-93)

g. State the specific action which the Petitioner wishes the Department to take. (7-1-93)

02. Notice and Hearing. If the Petition is granted, a notice of hearing will be sent within ten (10) days of receipt of a timely Petition, scheduling a hearing no more than thirty (30) days from receipt of the Petition. (7-1-93)

03. Final Disposition. Pursuant to Section 39-1218, Idaho Code, the applicant or licensee will be notified of the final decision on his Petition within thirty (30) days after conclusion of the hearing. Appeals are governed by Section 39-1219, Idaho Code. (7-1-93)

608. -- 699. (RESERVED).

700. DIVISION OF VETERANS SERVICES PROVISIONS FOR CONTESTED CASES. The provisions outlined herein are specific provisions that must be followed prior to those general contested case provisions contained in Sections 100. through 102.; if the applicant/resident is dissatisfied or disagrees with the final determination and decision of the Veterans Affairs Commission. (7-1-93)

01. Notice of Action. The home administrator or his designee must notify the applicant/resident of any action to be taken regarding rejection of an application or restriction to or discharge from a home. (7-1-93)

a. The notice of intended action must be in writing. (7-1-93)

b. The notice must state the following: (7-1-93)

i. The reason for the impending action and a reference to the pertinent rules under which the action is being brought or decision has been made; and (7-1-93)

ii. The effective date of the action; and (7-1-93)

iii. The applicant's/resident's right to request a hearing according to the provisions in this section; and (7-1-93)

iv. The procedure for requesting a hearing before the Commission as provided in this section and Section 100. (7-1-93)

c. The following notification deadlines are established for Domiciliary Care only: (7-1-93)

i. Restriction or discharge notices must be sent to the resident three (3) days prior to the intended effective date of the action, except under the conditions noted in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 7, Chapter 1, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Domiciliary Care." (7-1-93)

ii. Notification of findings of ineligibility for residency will be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection. (7-1-93)

d. The following notification deadlines are established for Residential Care only: (7-1-93)

i. Restriction or discharge notices must be sent to the resident fifteen (15) days prior to the intended effective date of the action, except under the conditions noted in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 7, Chapter 2, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Residential Care." (7-1-93)

ii. Notification of findings of ineligibility for residency will be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection. (7-1-93)

e. The following notification deadlines are established for Nursing Care only: (7-1-93)

i. Restriction or discharge notices must be sent to the resident fifteen (15) days prior to the intended effective date of the action, except under the conditions noted in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 7, Chapter 3, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Nursing Care." (7-1-93)

ii. Notification of findings of ineligibility for residency will be mailed to the applicant within three (3) working days after receipt of the completed application citing the reasons for rejection. (7-1-93)

02. Informal Resolution. A resident of a home must attempt to resolve the violations stated on the notice of action through verbal discussions with the home administrator or his designee prior to submission of a written request for a hearing before the Commission. (7-1-93)

03. Notice of Denial of Emergency Relief. The veterans services program supervisor or his designee must notify the applicant of the denial of his application for emergency relief. (7-1-93)

a. The notice of denial must be in writing. (7-1-93)

b. The notice must state the following: (7-1-93)

i. The reason for denial and a reference to the pertinent rules under which the denial was made; and (7-1-93)

ii. The applicant's right to request a hearing according to the provisions in this section; and (7-1-93)

iii. The procedure for requesting a hearing before the Commission as provided in this section and Section 100. (7-1-93)

c. Notice of denial of emergency relief will be mailed to the applicant within three (3) working days after receipt of the completed application. (7-1-93)

04. Hearing Rights. After complying with this section, residents and applicants have the following rights to a hearing: (7-1-93)

a. If a resident of a home is notified of pending disciplinary action, including restriction or discharge, the resident will be afforded an opportunity for a hearing with the Veterans Affairs Commission, pursuant to this section. (7-1-93)

b. If an application for residency in a home is rejected, the applicant may request a hearing before the Veterans Affairs Commission, pursuant to this section. (7-1-93)

c. If an application for emergency relief is denied, the applicant may request a hearing before the Veterans Affairs Commission, pursuant to this section. (7-1-93)

05. Hearing Provisions. The following hearing provisions are established: (7-1-93)

a. A request for a hearing from a resident or an applicant for residency in an Idaho State Veterans Home must be submitted through the home administrator to the division administrator for possible resolution and/or scheduling before the Commission. A resident's request must contain a description of what effort he has taken to satisfy the requirements of Subsection 700.02. Any hearing conducted in accordance with these provisions will be held during either a regular or special meeting of the Commission. (7-1-93)

b. A request for a hearing from an applicant for emergency relief must be submitted through the veterans services program supervisor to the division administrator for possible resolution and/or scheduling before the Commission. Any hearing conducted in accordance with these provisions will be held during either a regular or special meeting of the Commission. (7-1-93)

c. A request for a hearing must be in writing and signed by the applicant/resident. (7-1-93)

d. A request for a hearing must be submitted within three (3) days of receipt of the written notice of action or denial. (7-1-93)

e. Pending a hearing, benefits will be continued or held in abeyance as follows: (7-1-93)

i. Benefits for domiciliary care residents will be continued if the hearing request is made before the effective date of action and within three (3) days of receipt of the notice. No action will be taken by the home administrator pending receipt of the written decision of the Commission following the hearing, except under the conditions noted in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 7, Chapter 1, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Domiciliary Care." (7-1-93)

ii. Benefits for residential care residents will be continued if the hearing request is made before the effective date of action and within fifteen (15) days of receipt of the notice. No action will be taken by the home administrator pending receipt of the written decision of the Commission following the hearing, except under the conditions noted in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 7, Chapter 2, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Residential Care." (7-1-93)

iii. Benefits for nursing care residents will be continued if the hearing request is made before the effective date of action and within fifteen (15) days of receipt of the notice. No action will be taken by the home administrator pending receipt of the written decision of the Commission following the hearing, except under the conditions noted in Idaho Department of Health

and Welfare Rules, IDAPA 16, Title 7, Chapter 3, Subsection 350.01.a., "Rules Governing Eligibility for Admission, Residency and Maintenance Charges in Idaho State Veterans Home-Nursing Care." (7-1-93)

iv. Benefits for emergency relief applicants will not be granted until the Commission renders a written decision following the hearing. (7-1-93)

f. The home administrator or the veterans services program supervisor or their designee must notify the applicant/resident in writing of the scheduled hearing date, time, and place. (7-1-93)

g. The applicant/resident may be accompanied by his representative and/or his witnesses and other persons directly concerned with the issues involved. (7-1-93)

h. After all parties to the hearing have presented statements and explanations regarding the issues involved, the Commission must render a decision, in writing, stating its final determination and intended action. Copies of the Commission's written decision must be sent to the division administrator, home administrator or veterans services program supervisor and applicant/resident with information regarding the availability of additional appeal provisions as outlined in Section 102. (7-1-93)

701. -- 996. (RESERVED).

997. PUBLIC RECORDS COMPLIANCE -- CONFIDENTIALITY OF RECORDS. Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules IDAPA 16, Title 5, Chapter 1, "Rules Governing the Protection and Disclosure of Department Records." Although the documents in the record in contested case proceedings are normally public records, the whole or any part of such record or documents may be exempt from public record disclosure pursuant to Section 9-340, Idaho Code. (7-1-93)

998. -- 999. (RESERVED).

Divorce Action.

Where in a divorce action between a husband and his Indian wife, there was no evidence to show that their joint cattle operation or their household goods were either trust property or subject to restraints on alienation imposed by the federal government, therefore, a state court was not prevented from considering and dividing those properties, even though they were within the boundaries of an Indian reservation. *Sheppard v. Sheppard*, 104 Idaho 1, 655 P.2d 895 (1982).

—Community Property Reimbursement.

The exceptions to state jurisdiction in 25 U.S.C. § 1322(b) and this section do not prevent the courts of this state from requiring that one party to a marriage recompense the other party for his or her share of the community contributions that have gone into property that is held in trust or subject to a restraint on alienation by the federal government. *Sheppard v. Sheppard*, 104 Idaho 1, 655 P.2d 895 (1982).

actions to award a non-Indian spouse recompense for his or her portion of the community contribution used to purchase trust property located within the boundaries of an Indian reservation. *Sheppard v. Sheppard*, 104 Idaho 1, 655 P.2d 895 (1982).

25 U.S.C. § 1332(b) and this section do not prevent state courts from assuming jurisdiction in divorce actions involving Indians in order to reimburse the community for funds expended on the separate interest trust property located within the boundaries of a reservation. *Fisher v. Fisher*, 104 Idaho 68, 656 P.2d 129 (1982).

Federal law does not preempt the state courts from determining the status of trust property and allowing one party to receive reimbursement for community property that has been used to enhance the value of the separate property. *Fisher v. Fisher*, 104 Idaho 68, 656 P.2d 129 (1982).

CHAPTER 52

IDAHO ADMINISTRATIVE PROCEDURE ACT

SECTION.

- 67-5201. Definitions.
- 67-5202. Office of administrative rules coordinator.
- 67-5202A. [Repealed.]
- 67-5203. Publication of administrative bulletin.
- 67-5203A. [Amended and Redesignated.]
- 67-5204. Publication of administrative code.
- 67-5205. Format — Costs — Distribution — Funds.
- 67-5206. Promulgation of rules implementing administrative procedure act.
- 67-5207. Short title.
- 67-5208 — 67-5219. [Reserved.]
- 67-5220. Notice of intent to promulgate rules.
- 67-5221. Public notice of proposed rulemaking.
- 67-5222. Public participation.
- 67-5223. Interim legislative review — Legislative hearings — Statement of economic impact.
- 67-5224. Final rule.
- 67-5225. Rulemaking record.
- 67-5226. Temporary rules.
- 67-5227. Variance between final rule and proposed rule.
- 67-5228. Exemption from regular rulemaking procedures.
- 67-5229. Incorporation by reference.
- 67-5230. Petition for adoption of rules.

SECTION.

- 67-5231. Invalidity of rules not adopted in compliance with this chapter — Time limitation.
- 67-5232. Declaratory rulings by agencies.
- 67-5233 — 67-5239. [Reserved.]
- 67-5240. Contested cases.
- 67-5241. Informal disposition.
- 67-5242. Procedure at hearing.
- 67-5243. Orders not issued by agency head.
- 67-5244. Review of recommended orders.
- 67-5245. Review of preliminary orders.
- 67-5246. Final orders — Effectiveness of final orders.
- 67-5247. Emergency proceedings.
- 67-5248. Contents of orders.
- 67-5249. Agency record.
- 67-5250. Indexing of precedential agency orders — Indexing of agency guidance documents.
- 67-5251. Evidence — Official notice.
- 67-5252. Presiding officer — Disqualification.
- 67-5253. Ex parte communications.
- 67-5254. Agency action against licensees.
- 67-5255. Declaratory rulings by agencies.
- 67-5256 — 67-5269. [Reserved.]
- 67-5270. Right of review.
- 67-5271. Exhaustion of administrative remedies.
- 67-5272. Venue — Form of action.
- 67-5273. Time for filing petition for review.
- 67-5274. Stay.
- 67-5275. Agency record for judicial review.

ATTACHMENT IV to
ATTACHMENT 4.19-D

DATE APPROVED	DATE TO C.O.
11/11/11	11/11/11
SUPERSEDES	COMMENTS
11/11/11	

SECTION.

67-5276. Additional evidence.

67-5277. Judicial review of issues of fact.

67-5278. Declaratory judgment on validity or applicability of rules.

SECTION.

67-5279. Scope of review — Type of relief.

67-5280 — 67-5290. [Reserved.]

67-5291. Legislative review of adopted rules.

67-5292. Expiration of administrative rules.

b

e

c

67-5201. Definitions. — As used in this act:

(1) "Administrative code" means the Idaho administrative code established in this chapter.

(2) "Agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases, but does not include the legislative or judicial branches, executive officers listed in section 1, article IV, of the constitution of the state of Idaho in the exercise of powers derived directly and exclusively from the constitution, the state militia or the state board of correction.

(3) "Agency action" means:

(a) the whole or part of a rule or order;

(b) the failure to issue a rule or order; or

(c) an agency's performance of, or failure to perform, any duty placed on it by law.

(4) "Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law.

(5) "Bulletin" means the Idaho administrative bulletin established in this chapter.

(6) "Contested case" means a proceeding which results in the issuance of an order.

(7) "Coordinator" means the administrative rules coordinator prescribed in section 67-5202, Idaho Code.

(8) "Document" means any proclamation, executive order, notice, rule or statement of policy of an agency.

(9) "License" means the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of authorization required by law, but does not include a license required solely for revenue purposes.

(10) "Official text" means the text of a document issued, prescribed, or promulgated by an agency in accordance with this chapter, and is the only legally enforceable text of such document. Judicial notice shall be taken of all documents issued, prescribed, or promulgated in accordance with this chapter.

(11) "Order" means an agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons.

(12) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(13) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character.

(14) "Provision of law" means the whole or a part of the state or federal constitution, or of any state or federal:

(a) statute; or

(b) rule or decision of court.

(15) "Publish" means to bring before the public by publication in the bulletin or administrative code, or as otherwise specifically provided by law.

(16) "Rule" means the whole or a part of an agency statement of general applicability that has been promulgated in compliance with the provisions of this chapter and that implements, interprets, or prescribes:

(a) law or policy, or

(b) the procedure or practice requirements of an agency. The term includes the amendment, repeal, or suspension of an existing rule, but does not include:

(i) statements concerning only the internal management or internal personnel policies of an agency and not affecting private rights of the public or procedures available to the public; or

(ii) declaratory rulings issued pursuant to section 67-5232, Idaho Code; or

(iii) intra-agency memoranda; or

(iv) any written statements given by an agency which pertain to an interpretation of a rule or to the documentation of compliance with a rule.

(17) "Rulemaking" means the process for formulation, adoption, amendment or repeal of a rule. [1965, ch. 273, § 1, p. 701; am. 1980, ch. 213, § 1, p. 485; am. 1981, ch. 192, § 1, p. 338; am. 1986, ch. 318, § 1, p. 783; am. 1992, ch. 263, § 1, p. 783; am. 1993, ch. 216, § 101, p. 587.]

Compiler's notes. Sections 1-5 of S.L. 1995, ch. 249 read:

"SECTION 1. Except as provided in Sections 2 and 3 of this act, every rule, as that term is defined in Section 67-5201, Idaho code, that would expire on July 1, 1995, pursuant to the provisions of Subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in force and effect until July 1, 1996, at which time they shall expire as provided in Section 67-5292, Idaho Code.

"SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved, modified or amended by the adoption of a Concurrent Resolution by both the Senate and House of Representatives in the first Regular Session of the Fifty-third Idaho Legislature shall continue in full force and effect in such approved, modified or amended language until July 1, 1996, at which time they shall expire as provided in Section 67-5292, Idaho Code.

"SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolutions by both the Senate and House of Representatives in the First Regular Session of the Fifty-third Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5292, Idaho Code.

"SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency, as that

term is defined in Section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1996, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal statute than that of an administrative rule. Nothin contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect has been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

"SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining provisions of this act."

Sections 1-5 of S.L. 1994, ch. 394 read:

"Section 1. Except as provided in Sections 2 and 3 of this act, every rule, as that term is defined in Section 67-5201, Idaho code, that would expire on July 1, 1994, pursuant to the

provisions of Subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in force and effect until July 1, 1995, at which time they shall expire as provided in Section 67-5292, Idaho Code.

"Section 2. All rules, as that term is defined in Section 67-5201, Idaho Code which have been affirmatively approved, modified or amended by the adoption of a Concurrent Resolution by both the Senate and House of Representatives in the Second Regular Session of the Fifty-second Idaho Legislature shall continue in full force and effect in such approved modified or amended language until July 1, 1995, at which time they shall expire as provided in Section 67-5292, Idaho Code.

"Section 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Fifty-second Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5291, Idaho Code.

"Section 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1995, pursuant to Section 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code. Nothing contained in this act shall endow any administrative rule contained in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect has been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

"Section 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act."

Sections 1-5 of S.L. 1993, ch. 342 read:

"Section 1. Except as provided in Sections 2 and 3 of this act, every rule, as that term is defined in Section 67-5201, Idaho Code, that would expire on July 1, 1993, pursuant to the provisions of Subsections (1) and (2) of Sections 67-5219 and 67-5292, Idaho Code, shall continue in full force and effect until July 1, 1994, at which time they shall expire as provided in Sections 67-5219 and 67-5292, Idaho Code.

"Section 2. All rules, as that term is defined

in Section 67-5201, Idaho Code, which have been affirmatively approved, modified or amended by the adoption of a Concurrent Resolution by both the Senate and House of Representatives in the First Regular Session of the Fifty-second Idaho Legislature shall continue in full force and effect in such approved, modified or amended language until July 1, 1994, at which time they shall expire as provided in Sections 67-5219 and 67-5292, Idaho Code.

"Section 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Fifty-second Idaho Legislature shall be null, void and of no force and effect as provided in Sections 67-5218 and 67-5291, Idaho Code.

"Section 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1994, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect has been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

"Section 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act."

Section 60 of S.L. 1992, ch. 263 read:

"(1) Prior to May 1, 1993, every agency shall deposit with the coordinator a copy, either in printed or electronic media form as the coordinator may prescribe, together with a proper index, certified by the executive officer, chairman or secretary of the agency, of all administrative rules adopted by the agency which are in effect or which will be in effect on July 1, 1993, in default of which such administrative rules shall become invalid.

"(2) Idaho administrative rules as published shall be the codification specified in section 67-5204, Idaho Code. Publication of administrative rules may be commenced by the publication of individual titles or parts

thereof of the manuscripts of administrative rules heretofore filed with the state law library. Except as otherwise provided in this section, such manuscripts of rules, as so amended and supplemented, shall be deemed the initial agency text of such rules for the purposes of this act."

Section 61 of S.L. 1992, ch. 263 read:

"(1) Subsection (1) of section 60 of this act shall be in full force and effect on and after July 1, 1992, and additionally, the state auditor is authorized to appoint an administrative rules coordinator as soon as practical after July 1, 1992, and to declare such other sections of this act in full force and effect prior to July 1, 1993, as is necessary to effect an orderly publication of bulletins and the administrative code as soon after July 1, 1993, as possible.

"(2) All other sections of this act shall be in full force and effect on and after July 1, 1993. Any rules and regulations in effect on June 30, 1993, and rules which are promulgated between July 1, 1993, and the publication of the Idaho administrative code, shall be in full force and effect until such administrative rules are published by the coordinator."

Chapter 317 of S.L. 1992 read: "Except as provided in sections 2 and 3 of this act, every rule, as that term is defined in section 67-5201, Idaho Code, that would expire on July 1, 1992, pursuant to the provisions of subsections (1) and (2) of section 67-5219, Idaho Code, shall continue in full force and effective until July 1, 1993, at which time they shall expire as provided in section 67-5219, Idaho Code.

"All rules as that term is defined in section 67-5201, Idaho Code, which have been affirmatively approved, modified or amended by the adoption of a concurrent resolution by both the senate and house of representatives in the second regular session of the fifty-first legislature shall continue in full force and effect in such approved, modified or amended language until July 1, 1993, at which time they shall expire as provided in section 67-5219, Idaho Code.

"All rules as that term is defined in section 67-5201, Idaho Code, which have been rejected by the adoption of a concurrent resolution by both the senate and the house of representatives in the second regular session of the fifty-first legislature shall be null, void and of no force and effect as provided in section 67-5218, Idaho Code.

"Nothing contained in this act shall be deemed to prohibit an agency as that term is defined in section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1993, pursuant to sections 1 and 2 of this act, according to the procedures contained in chapter 52, title 67, Idaho Code. Nothing contained in this act

shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect has been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

"The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act."

Sections 1-5 of S.L. 1991, ch. 264 read: "SECTION 1. Except as provided in sections 2 and 3 of this act, every rule, as that term is defined in section 67-5201, Idaho Code, that would expire on July 1, 1991, pursuant to the provisions of subsections (1) and (2) of section 67-5219, Idaho Code, shall continue in full force and effect until July 1, 1992, at which time they shall expire as provided in section 67-5219, Idaho Code.

"SECTION 2. All rules as that term is defined in section 67-5201, Idaho Code, which have been affirmatively approved, modified or amended by the adoption of a concurrent resolution by both the senate and house of representatives in the first regular session of the fifty-first legislature shall continue in full force and effect in such approved, modified or amended language until July 1, 1992, at which time they shall expire as provided in section 67-5219, Idaho Code.

"SECTION 3. All rules as that term is defined in section 67-5201, Idaho Code, which have been rejected by the adoption of a concurrent resolution by both the senate and the house of representatives in the first regular session of the fifty-first legislature shall be null, void and of no force and effect as provided in section 67-5218, Idaho Code.

"SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency as that term is defined in section 67-5201, Idaho Code, from amending rules which have been continued in full force and effect until July 1, 1992, pursuant to sections 1 and 2 of this act, according to the procedures contained in chapter 52, title 67, Idaho Code. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act and nothing contained herein shall constitute a